

REMARKS

In the Office Action, the Examiner objects to the drawings due to unlabeled boxes in the Figs.; rejects claim 17 under 35 U.S.C. § 101 as being drawn to non-patentable subject matter; rejects claims; rejects claims 1, 2, 6-9 and 13-17 under 35 U.S.C. § 103(a) as being unpatentable over MERGLER (U.S. Patent Application Publication No. 2003/0054864) in view of TOGASHI (U.S. Patent Application Publication No. 2002/0035914); and rejects claims 3-5 and 10-12 under 35 U.S.C. § 103(a) as unpatentable over MERGLER in view of TOGASHI and further in view of PAAKKONEN (U.S. Patent Application Publication No. 2004/0121818). The objection and the rejections are respectfully traversed.

By way of the Amendment, Applicant amends claims 1-17 to improve form. No new matter has been introduced. Claims 1-17 remain pending.

Objection to the Drawings

The drawings stand objected due to unlabeled rectangular boxes in the figures that the Examiner indicates should include descriptive text labels. Applicant proposes replacing the original Figs. 1-5 with Figs. 1-5 in the replacement drawing sheets attached hereto to address the Examiner's concerns. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection.

Rejection under 35 U.S.C. § 101

Claim 17 stands rejected under 35 U.S.C. § 101 as allegedly drawn to non-patentable subject matter. The rejection is respectfully traversed.

Particularly, the Examiner alleges that claim 17 appears to be directed to a computer program, “which is not patentable eligible subject matter” (Office Action – paragraph 3).

Without acquiescing in the rejection of claim 17, but merely to expedite prosecution, independent claim 17 has been amended to recite a “system.” Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 17 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 103 based on MERGLER and TOGASHI

Claims 1, 2, 6-9, and 13-17 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over MERGLER in view of TOGASHI. The rejection is respectfully traversed.

Independent claim 1, as amended, is directed to a method of using multimedia messaging service (MMS) messages for notification of events in a portable communication device. The method includes receiving, by a message handling unit of the portable communication device, at least one MMS message from a network, where the at least one MMS message includes at least two different types of media files and associated synchronization information; setting, by the message handling unit, the at least one MMS message as a notification of an event related to the portable communication device; storing, by the message handling unit, the at least one MMS message in a memory of the portable communication device; detecting, by a call handling unit of the portable communication device, an occurrence of the event corresponding to the notification; retrieving, by the call handling unit, the stored at least one MMS message based on the detection of the occurrence of the event; and synchronously presenting, via one or more presentation units of the portable communication device, the at least two different types of media files of the retrieved at least one MMS message, based on the associated synchronization information. This

combination of features is not disclosed or suggested by MERGLER and TOGASHI, whether taken alone, or in any reasonable combination.

For example, MERGLER and TOGASHI do not disclose or suggest synchronously presenting, via one or more presentation units of the portable communication device, at least two different types of media files of a retrieved (from storage responsive to the detection of an event) at least one MMS message, based on the associated synchronization information (in the MMS message). The Examiner alleges that MERGLER discloses “playing the multimedia data in dependence of the detection,” citing paragraph 27 of MERGLER (“a call from “Mum””) for support (MERGLER – p. 3). Nowhere in this section, or elsewhere, does MERGLER disclose or suggest synchronously presenting, via one or more presentation units of the portable communication device, at least two different types of media files of a retrieved (from storage responsive to the detection of an event) at least one MMS message, based on the associated synchronization information (in the MMS message), as recited in amended claim 1.

Paragraph 27 of MERGLER discloses:

In this example, the Name field with record "Mum" has a related Group field containing the identifier Family associated with it together with related "Rule" field containing the identifier Melody 2. This means a call from "Mum" will be notified to the user of the telephone by playing Melody 2. Name field records "F. Brown" and "S Smith" have not been assigned related groups by the user, and therefore the melody played is that of the default melody which is typically set by the manufacturer and may be modified by the user.

This section of MERGLER discloses that the telephone will play Melody 2 when a call from “Mum” is received, and will play a default melody, which may be set by the manufacturer and may be modified by the user, when a call from “F. Brown” or “S Smith” is received. Nowhere in this section, or elsewhere, does MERGLER disclose or suggest synchronously presenting, via one or more presentation units of the portable communication device, at least two different types

of media files of a retrieved (from storage responsive to the detection of an event) at least one MMS message, based on the associated synchronization information (in the MMS message), as recited in amended claim 1. Rather, MERGLER is directed to a telephone 10 that detects an incoming call (Step 30); receives the caller ID (i.e., the telephone number of the caller, e.g., "238757") and performs a look-up search (Step 32) in the "Number" fields of a profile database 24; obtains a matching entry (e.g., "Mum") (Step 34); retrieves the corresponding entry (e.g., "Family") in the "Group" field and an associated user-selected entry (e.g., "Melody 2") in the "Rule" field of database 24 (Step 40); applies the rule (e.g., play "Melody 2") (Step 42); and processes the call (Step 44) by displaying "Mum" and "Family" via a display 14 of telephone 10, while playing "Melody 2" as the ringtone for the incoming call (MERGLER – Figs. 1a, 2a, and 3; and paragraph 28).

TOGASHI also fails to disclose or suggest synchronously presenting, via one or more presentation units of the portable communication device, at least two different types of media files of a retrieved (from storage responsive to the detection of an event) at least one MMS message, based on the associated synchronization information (in the MMS message), as recited in amended claim 1. Rather, TOGASHI is merely drawn to a music data receiving apparatus 3 that receives music from a music data providing apparatus 1 via a network 2 (TOGASHI – Figs. 1-2; and paragraph 25).

For at least these reasons, claim 1 is patentable over MERGLER and TOGASHI, whether taken alone, or in any reasonable combination.

Claims 2, 6, and 7 depend from claim 1 and are, therefore, patentable over MERGLER and TOGASHI, whether taken alone, or in any reasonable combination, for at least the reasons given for claim 1.

Independent claim 8, as amended, recites features similar to (yet possibly of different scope than) features discussed above with respect to claim 1. Thus, claim 8 is patentable over MERGLER and TOGASHI, whether taken alone, or in any reasonable combination, for at least reasons similar to the reasons given above for claim 1.

Claims 9 and 13-15 depend from claim 8 and are, therefore, patentable over MERGLER and TOGASHI, whether taken alone, or in any reasonable combination, for at least the reasons given for claim 8.

Independent claims 16 and 17, as amended, recite features similar to (yet possibly of different scope than) features discussed above with respect to claim 1. Thus, claims 16 and 17 are patentable over MERGLER and TOGASHI, whether taken alone, or in any reasonable combination, for at least reasons similar to the reasons given above for claim 1.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1, 2, 6-9, and 13-17 under 35 U.S.C. § 103(b) based on MERGLER and TOGASHI.

Rejection under 35 U.S.C. § 103 based on MERGLER, TOGASHI, and PAAKKONEN

Claims 3-5 and 10-12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over MERGLER in view of TOGASHI, and further in view of PAAKKONEN. The rejection is respectfully traversed.

Claims 3-5 depend from claim 1. Without acquiescing in the rejection of claims 3-5, Applicant respectfully submits that the disclosure of PAAKKONEN does not cure the deficiencies in the disclosures of MERGLER and TOGASHI set forth above with respect to

claim 1. Thus, claims 3-5 are patentable over MERGLER, TOGASHI, and PAAKKONEN, whether taken alone, or in any reasonable combination, for at least the reasons given for claim 1.

Claims 10-12 depend from claim 8. Without acquiescing in the rejection of claims 10-12, Applicant respectfully submits that the disclosure of PAAKKONEN does not cure the deficiencies in the disclosures of MERGLER and TOGASHI set forth above with respect to claim 8. Thus, claims 3-5 are patentable over MERGLER, TOGASHI, and PAAKKONEN, whether taken alone, or in any reasonable combination, for at least the reasons given for claim 8.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 3-5 and 10-12 under 35 U.S.C. § 103(b) based on MERGLER, TOGASHI and PAAKKONEN.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of the pending claims.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Attachments: Replacement Drawing Sheets